



July 14, 2009

Assembly Committee on Public Health

Assembly Bill 273

Representative Peter Barca

Chairman Benedict and members of the Assembly Committee on Public Health, thank you for holding a public hearing on Assembly Bill 273, which updates the name of the Podiatrists Affiliated Credentialing Board and makes a number of small statutory changes to expressly outline the role of podiatrist under state law.

It is important to note right up front that this proposal does not impact or make any changes to Wisconsin Statute 448.60 (4) which defines the scope of practice for podiatrists. Doctors of Podiatric Medicine are governed by this statute and limited to providing healthcare within their area of training and expertise. The legal modifications made in this proposal are all made with the understanding that they only apply to podiatrists within their limited scope of practice. Legislative Council Attorney Richard Sweet has authored a memo which explains this distinction further.

I was first approached to become an author of this proposal by a constituent, Dr. Michael Thompson, who has been a highly respected podiatrist in Kenosha and Racine for many years. I made the decision to author this bill after Dr. Thompson explained to me the need to update the statutes in order to better clarify the role of podiatrists under our laws.

This bill changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board, and makes a number of statutory modifications to enumerate podiatrists in several areas of the law to expressly grant certain privileges. In some cases these are areas of law where there had been confusion as to whether or not podiatrists had these rights because Doctors of Podiatric Medicine are treated differently than Medical Doctors or physicians under the law.

These modifications include granting "Good Samaritan" immunity to podiatrists for healthcare rendered at an athletic event or contest at a school, extending patient confidentiality rights to podiatry patients, allowing cooperative associations to contract with podiatrists for healthcare, allowing podiatrists to diagnose an injury for the purpose of veteran assistance for the Department of Veterans Affairs, allowing podiatrists to certify for Department of Transportation purposes that a driving instructor is physically fit to teach, allowing podiatrists to certify that an individual as physically disabled for the purpose of obtaining a specialized hunting permit from the Department of Natural Resources, granting podiatrists the ability to certify a disability for insurance purposes, and granting medical assistance clients the ability to choose podiatrists as a healthcare provider.

I believe that these are modifications that should be made in order to fairly treat podiatrists among other healthcare professions such as chiropractors, optometrists, dentists, audiologists, and first responders in these various areas of the law. Including podiatrists in these areas can improve access to healthcare within this specialized field and reduce costs for healthcare consumers while maintaining quality services.

Thank you for your time today and I hope that I can count on your support when Assembly Bill 273 comes for a vote before this committee.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE PETER BARCA

FROM: Richard Sweet, Senior Staff Attorney

RE: Practice of Podiatry Under 2009 Assembly Bill 273/2009 Senate Bill 191

DATE: June 4, 2009

This memorandum responds to your question of what effect two companion bills have on the practice of podiatry. Those bills are 2009 Assembly Bill 273 and 2009 Senate Bill 191.

The bills permit a licensed podiatrist to engage in certain activities that they are not authorized to undertake under current law. For example, current law permits a licensed physician or chiropractor to verify that an applicant for certain hunting licenses is physically disabled; the bills also authorize podiatrists to do this. The bills define the term "health care provider" to include a podiatrist for purposes of completing medical forms necessary for the receipt of assistance to needy veterans. Current law requires that life, health, and disability insurers afford equal weight to certifications of disability signed by a physician and those signed by a chiropractor; the bills require that those insurers also afford equal weight to a certification of disability signed by a podiatrist with respect to matters within the scope of the podiatrist's professional license.

While the bills allow podiatrists to engage in these activities, they make no changes in the definitions of "podiatry" or "podiatric medicine or surgery" in current law. Those terms are defined in s. 448.60 (4), Stats., as follows:

448.60 (4) "Podiatry" or "podiatric medicine and surgery" means that branch or system of the practice of medicine and surgery that involves treating the sick which is **limited to conditions affecting the foot and ankle**, but does not include the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery under subch. II. (Emphasis added.)

The above definition in current law is limited to "conditions affecting the foot and ankle." As noted above, the bills make no changes either in these limitations or in the definition of the terms.

Current law requires the Podiatrists Affiliated Credentialing Board (which is renamed the Podiatry Affiliated Credentialing Board under the bills) to promulgate rules defining the acts or attempted acts of commission or omission that constitute unprofessional conduct. Current law also

specifies actions that may be taken by the Affiliated Credentialing Board in cases of unprofessional conduct. None of these provisions are changed by the bills. Current rules of the Affiliated Credentialing Board define "unprofessional conduct," in part, as follows:

Pod 2.01 Definition. The term "unprofessional conduct" is defined to mean and include but not be limited to the following, or aiding or abetting the same:

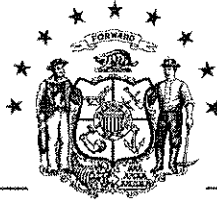
...

(9) Practicing or attempting to practice under any license beyond the scope of that license.

Therefore, if a podiatrist practices or attempts to practice beyond the scope of his or her license, this conduct falls within the definition of the term "unprofessional conduct" and the podiatrist would be subject to discipline by the Affiliated Credentialing Board.

Feel free to contact me if I can be of further assistance.

RNS:jal



TED ZIGMUNT

STATE REPRESENTATIVE

July 14, 2009

To: Assembly Committee on Public Health
RE: Testimony for AB 273

Passage of AB 273 is critical to Wisconsin's public health.

Podiatrists are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program, and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. Practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

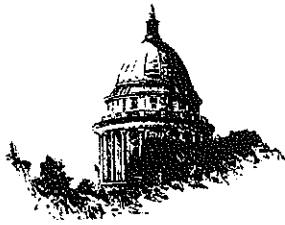
Podiatrists treat a number of common and potentially serious afflictions: Arthritis, Bursitis, Diabetes (if foot conditions caused by diabetes are not promptly and properly treated by a podiatrist, it could lead to amputation), Gout, Tendonitis, Ulceration and many more. This is why adding doctors of podiatric medicine to the list of health care providers in a number of our state statutes relating to the practice of health care and patient protection, is so important. AB 273 accomplishes this.

This bill will protect patients and lead to better and more accessible treatment for them. Here are a few important examples:

- Protect the confidentiality of patients of doctors of podiatric medicine in the same manner it is for patients of physicians, chiropractors and psychologists.
- Allow cooperative associations to contract with doctors of podiatric medicine, as they are currently allowed to with physicians, chiropractors, optometrists and dentists.
- Allow doctors of podiatric medicine to diagnose injuries for Department of Veterans Affairs patients and identify physical disability for special hunting permits as other providers are authorized to do.
- Allow a medical assistance patient to choose a doctor of podiatric medicine as a provider for treatment unless DHS limits the choice.

Please vote in favor of AB 273.

###



Wisconsin State Senate

John Lehman

Senator — 21st District

State Capitol • PO Box 7882 • Madison, WI 53707-7882 • (608) 266-1832 • Toll-free: 1-866-615-7510

Testimony of Senator John Lehman
Assembly Bill 273
Assembly Committee on Public Health
Tuesday July, 14 2009

Thank you, Representative Benedict and committee members for the opportunity to submit written testimony in support of Assembly Bill 273, legislation I co-authored with Representative Barca to update statutory references regarding doctors of podiatric medicine.

Over the years a number of changes have been made to statutes relating to the practice and provision of health care service in Wisconsin. By referencing only doctors of medicines or MDs these statutory changes had the effect of excluding other providers who could also render these services or be worthy of certain protections.

Specifically, AB 273 would update our laws to allow doctors of podiatric medicines (DPMs) to:

- Enjoy good Samaritan immunities like those for physicians, first responders and dentists;
- Protect patient confidentiality by allowing a patient to prevent disclosure of communications regarding their diagnosis or treatment by DPMs as they can with other providers like physicians, chiropractors and psychologists;
- Contract with cooperative associations like physicians, chiropractors, optometrists and dentists;
- Diagnose injuries for Department of Veterans Affairs patients, issue physically fit certificates for driving instructors and identify physical disability for special hunting permits as other providers are authorized to do;
- Certify a disability (within the scope their expertise) for insurance purposes;
- Allow a medical assistance patient to choose a DPM as a treatment provider unless DHS limits the choice.

In addition AB 273 changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board.

Doctors of Podiatric Medicine are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. In addition, practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

It is important to note that AB 273 does not in any way change the definition of podiatry or podiatric medicine and surgery or expand the scope of practice for doctors of podiatric medicine.

Assembly Bill 273 does - based on the training and expertise of doctors of podiatric medicine – allow them to provide services they are qualified to perform and extend to them statutory protections enjoyed by many other health care providers.

I hope AB 273 will have your support.